

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL HUSTON,

Plaintiff,

v.

ORDER

18-cv-1056-wmc

STATE OF WISCONSIN,

Defendant.

Pro se plaintiff Michael Huston, who currently is incarcerated at Redgranite Correctional Institution, filed this lawsuit pursuant to 42 U.S.C. § 1983. The complaint was filed on December 19, 2018, and is currently under advisement for screening pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A. However, Huston now seeks to withdraw the complaint voluntarily and requests a refund of the portion of the filing fee he paid already. (Dkt. #14.) Huston's motion will be granted because he has provided sufficient justification for withdrawing his complaint and having his filing fee refunded. Further, since this case has not yet been screened, dismissing it will not prejudice the defendants.

Accordingly, IT IS ORDERED that plaintiff Michael Huston's motion to voluntarily dismiss his case and for a refund of the filing fee (dkt. #14) is GRANTED. This case is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a)(1).

Entered this 17th day of August, 2020.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge